

110TH CONGRESS  
1ST SESSION

# H. R. 1099

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to protect disaster assistance employee reservists when activated by the Federal Emergency Management Agency for work at a specific disaster site from termination or demotion in their places of employment.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2007

Ms. SCHWARTZ (for herself, Mr. MURTHA, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to protect disaster assistance employee reservists when activated by the Federal Emergency Management Agency for work at a specific disaster site from termination or demotion in their places of employment.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Disaster Assistance  
5       Employment and Reemployment Rights Act of 2007”.

1 **SEC. 2. EMPLOYMENT PROTECTIONS FOR DISASTER AS-**  
2 **SISTANCE EMPLOYEE RESERVISTS.**

3 Section 306 of the Robert T. Stafford Disaster Relief  
4 and Emergency Assistance Act (42 U.S.C. 5149) is  
5 amended by adding at the end the following:

6 “(c) EMPLOYMENT PROTECTIONS FOR DISASTER AS-  
7 SISTANCE EMPLOYEE RESERVISTS.—

8 “(1) TERMINATION PROHIBITED.—No person  
9 may be terminated, demoted, or in any other manner  
10 discriminated against in the terms and conditions of  
11 employment because the employee, when activated  
12 by the Federal Emergency Management Agency for  
13 work at a specific disaster site as a disaster assist-  
14 ance employee reservist, is absent from or late to his  
15 or her employment.

16 “(2) LIMITATION.—Paragraph (1) shall not  
17 apply if such person is absent from his or her em-  
18 ployment for the purposes described in paragraph  
19 (1) for a period of more than 90 days in a calendar  
20 year, except that the Secretary of Homeland Secu-  
21 rity may extend such period for a major disaster if  
22 the Secretary determines that an extension is appro-  
23 priate due to a national emergency and the Sec-  
24 retary publishes notice of the determination in the  
25 Federal Register.

1           “(3) WITHHOLDING OF PAY.—An employer  
2           may charge, against the employee’s regular pay, any  
3           time that an employee loses from employment be-  
4           cause of the employee’s activation as a disaster as-  
5           sistance employee reservist.

6           “(4) CERTIFICATION.—The employer may re-  
7           quest the employee to provide the employer with a  
8           written verification from the Federal Emergency  
9           Management Agency that the employee was acti-  
10          vated as a disaster assistance employee reservist and  
11          stating the time and dates of such activation.

12          “(5) REASONABLE NOTICE REQUIRED.—An em-  
13          ployee who may be absent from or late to his or her  
14          employment due to activation as a disaster assist-  
15          ance employee reservist shall make a reasonable ef-  
16          fort to notify his or her employer that he or she may  
17          be absent or late and shall continue to provide such  
18          reasonable notifications over the course of his or her  
19          absence.

20          “(6) RIGHT OF ACTION.—

21                 “(A) RIGHT OF ACTION.—A person who  
22                 has been terminated, demoted, or in any other  
23                 manner discriminated against in the terms and  
24                 conditions of employment in violation of this  
25                 subsection may bring, in a district court of the

1 United States of appropriate jurisdiction, a civil  
2 action against his or her employer who violated  
3 this subsection.

4 “(B) DAMAGES.—The employee may seek  
5 reinstatement to his or her former position,  
6 payment of back wages, reinstatement of fringe  
7 benefits, and, where seniority rights are grant-  
8 ed, reinstatement of seniority rights.

9 “(C) LIMITATION.—The employee must  
10 commence such an action within 1 year after  
11 the date of the violation of this subsection.

12 “(7) DISASTER ASSISTANCE EMPLOYEE RE-  
13 SERVIST DEFINED.—In this subsection, the term  
14 ‘disaster assistance employee reservist’ means a per-  
15 son—

16 “(A) appointed by the Federal Emergency  
17 Management Agency under subsection (b)(1) to  
18 serve as a reservist; and

19 “(B) who is carried on the personnel rolls  
20 of the Federal Emergency Management Agency  
21 for a specified period and may be activated to  
22 perform disaster assistance program work when  
23 the need arises.”.

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